

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

CIVIL APPLICATION NO.1721 OF 2006

Shri.Shankar Dattatraya Sohani .. Appellant

V/s

Shri.Uttam Nrusinha Sapre & Ors. .. Respondents

Dr.V.Tulzapurkar, Senior Advocate with Mr.V.P.Sawant for the Appellant.

Mr.Rakesh Patel i/by Mr.R.R.Kalekar for Respondent No.1.

Ms.Sheetal Patil i/by M/s.Bhave & Co. for Respondent No.5.

CORAM: DR.S.RADHAKRISHNAN J.

DATE : 10TH JULY, 2006.

P.C.:

1. Heard the learned Counsel for the Appellant, the learned Counsel for Respondent No.1 and the learned Counsel for Respondent No.5. The presence of Respondent Nos.3, 4 and 6 is not necessary in the present Civil Application. Appeal has already been admitted. The learned Senior Counsel Dr.Tulzapurkar has pointed out that in the suit there are no pleadings that the claim is made on the basis of malicious prosecution and the pleadings proceed on the basis that the suit claim is based on defamation. Mr.Tulzapurkar has brought to my notice the provisions of Article 75 of the Limitation Act which prescribes the limitation as one year in case of compensation for libel. In this case it appears that the publication took place on 23.9.2001 & 24.9.2001 and the suit was filed on 6.2.2003. Prima-facie it appears that the suit claim itself was time barred. Under these circumstances, Civil Application is made absolute in terms of prayer clause (a), without any deposit being made by the Appellant.

